

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARKUS BLECHNER, Individually :
and on Behalf of All Others :
Similarly Situated, :
 :
Plaintiffs, :
 :
v. : Civil Action No. 04-331-JJF
 :
DAIMLER-BENZ AG, et al., :
 :
Defendants. :

ORDER

WHEREAS, by letter (D.I. 66), counsel for Plaintiffs advised the Court that they intend to proceed against the Individual Defendants after the Third Circuit Court of Appeals resolves the pending appeal, In re: DaimlerChrysler AG Sec. Litig., Docket No. 05-2363;

WHEREAS, by letter (D. I. 67), the Court advised counsel that the manner of proceeding outlined in their letter was acceptable;

WHEREAS, in September 2007, the Third Circuit Court of Appeals issued an Order resolving the appeal cited in Plaintiffs' letter

WHEREAS, Federal Rule of Civil Procedure 4(m) provides for dismissal based on a failure to effectuate service;

WHEREAS, eight months have passed since resolution of the appeal, and to date Plaintiffs have failed to effectuate service on the Individual Defendants;

WHEREAS, no further activity has occurred in this case and Plaintiffs have not provided the Court with cause for the

inactivity;

NOW THEREFORE, IT IS HEREBY ORDERED that the above-captioned case is **DISMISSED**.

August 7, 2008
DATE

Joseph J. Fainan Jr.
UNITED STATES DISTRICT JUDGE